

**MARSH FISCHMANN & BREYFOGLE LLP**  
Attorneys at Law

51 Broadway, Suite 502  
Fargo, ND 58102  
Telephone (701) 293-0301 • Facsimile (701) 293-0286

**RECEIVED**  
**CENTRAL FAX CENTER**  
AUG 01 2005

**Date:** August 1, 2005

**To:** U.S. Patent & Trademark Office  
Group Art Unit 3743  
Examiner Andrea M. Ragonese

**Facsimile:** (571) 273-8300

**Telephone:** (571) 272-4804

**From:** James L. Johnson, Esq.  
Reg. No. 34,193  
Direct Dial: (701) 293-7680

**Re:** Patent Application No. 10/062,174  
Attorney Docket No. 44902-00416

**Message:** Amendment & Response included herewith

---

**Total Number of Pages:** 14

If you need a confirmation or any of the pages sent again, please call our offices at the following number: 701-293-0301. SENT BY: Ruth E. Ostgulen.

**CONFIDENTIALITY NOTE:** The information contained in this facsimile transmittal sheet and document(s) that follow are for the exclusive use of the addressee and may contain confidential, privileged and non-disclosable information. If the recipient of this facsimile is not the addressee, or a person responsible for delivering this facsimile to the addressee, such recipient is strictly prohibited from reading, photocopying, distributing or otherwise using this facsimile transmission, or its contents, in any way. If the recipient has received this facsimile transmission in error, please call us immediately and return the facsimile transmission to us via the United States Postal Service. Thank you.

AUG 01 2005

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

REINHOLD ET AL.

Serial No.: 10/062,174

Filed: 1/31/02

Confirmation No.: 9372

Atty. File No.: 44902-00416

For: "INHALER WITH AIRFLOW  
REGULATION"

) Group Art Unit: 3743

) Examiner: RAGONESE, ANDREA M.

) Amendment &amp; Response: Reply Under 37

) CFR § 1.116 - Expedited Procedure -

) Examining Group 3743

<p style="text-align: center;">CERTIFICATE OF FACSIMILE TRANSMISSION</p> <p>I HEREBY CERTIFY THAT THIS PAPER IS BEING TRANSMITTED VIA FACSIMILE TO THE U.S. PATENT AND TRADEMARK OFFICE ON AUGUST 1, 2005.</p> <p style="text-align: center;">MARSH FISCHMANN &amp; BREYFOGLE LLP</p> <p>BY: <u>Ruth E. Ostgulen</u> Ruth E. Ostgulen</p>
---

5

Commissioner for Patents  
P.O. Box 1450  
Mail Stop AF  
Alexandria, VA 22313-1450

10

Dear Sir:

Applicant submits this Amendment and Response to address the Office Action having a mailing date of June 2, 2005. Although Applicant believes that no additional fees are due for filing this Amendment and Response, please charge any fees deemed necessary to Deposit Account No. 50-1419.

Please amend the above-identified patent application as follows: